

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

ORIGINAL

005336

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:
SPECIAL SERVICES FEES :
AND CLASSIFICATIONS :
:
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Docket No. MC96-3

MAJOR MAILERS ASSOCIATION'S
MOTION FOR LIMITED EXTENSION OF
TIME TO FILE TESTIMONY AND REQUEST FOR
SHORTENED ANSWERING PERIOD

To: Honorable H. Edward Quick
Presiding Officer

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Pursuant to Rule 21(a) of the Commission's Rules of Practice and Procedure,

Major Mailers Association ("MMA") requests leave to file its direct testimony on September 30, 1996, three business days out of time. Extraordinary circumstances warrant a grant of the relief MMA requests; moreover, no party will be harmed by a grant of the limited extension MMA is seeking.

(1) MMA requires a brief extension of time to file its direct testimony in this proceeding due to recent developments in the ongoing dispute arising from the Postal Service's refusal to respond to orders of the Commission. The history and details of that dispute are described in Order No. 1134, issued September 20, 1996,¹ and will not be repeated herein.

(2) Until Order No. 1134 issued on September 20, 1996, the record in this proceeding contained no reliable data from which parties and the Commission could evaluate the consistency of the cost coverages resulting from the Postal Service's proposed rates in light of the policies and standards of the Act.² Moreover, as the Commission observed, "the Postal Service has

¹ Special Services Fees and Classification, Docket No. MC96-3, "First Order Setting Out Relief From Postal Service Failure to Comply." ("Order No. 1134").

² As the Commission noted in Order No. 1134 (at 15). "[t]he Commission and the participants must be able to understand and evaluate the direct and indirect impacts of the Service's proposal on all classes and categories to see if they are sufficiently important to

further severed the connection to the findings and recommendations in R94-1 by projecting costs and revenues for a different test year." Order No. 1134 at 15.

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(3) Because this ongoing dispute had not been resolved as the date for filing direct testimony approached, MMA's expert witness, Richard E. Bentley, was forced to prepare his direct testimony, which addresses the importance of having reliable information showing the consequences of using Commission-approved cost attribution methodologies, using Test Year At USPS Proposed Rates data in Docket No. R94-1, the most recent data available before Order No. 1134 issued and the related Library References MC96-3, PRC-LR-1 and PRC-LR-2 were filed. That testimony was finalized prior to September 20, 1996 and was due to be filed on schedule on September 25.

(4) The new Library References filed by the Commission Staff provide more recent data not available to MMA when its testimony was prepared. The new data contained in these Library References effectively supersede the data MMA used in its original prepared testimony. Now that these new data are available, it makes no sense to have MMA submit its testimony as originally prepared. That would merely compound the problem of using inconsistent data, requiring a future modification. Under the circumstances, the interests of administrative efficiency and procedural fairness will best be served by giving MMA a brief extension of time in which to review the new data and revise its testimony, a process that is already underway. Additional time is also required because MMA's regular counsel, Mr. Littell, is out of the country and has not received or reviewed Order No. 1134. Finally, the additional time is necessary to permit clearance of the revised testimony by MMA members.

(5) No party will be harmed by a grant of the relief requested. In addition, the limited extension MMA is requesting will not jeopardize the Commission's ability to issue a recommended decision in a timely fashion.

affect the Commission's decision."

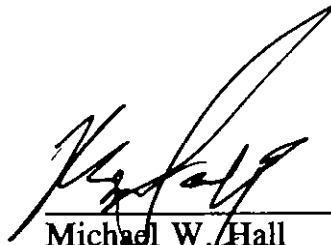
(6) In view of the short time before direct testimony is due to be filed, MMA requests 005338
that the time for filing answers be shortened to noon on September 25. MMA has faxed copies
of this motion to counsel for the Postal Service and the Office of Consumer Advocate and
requested that they state their support or opposition to the relief requested in time for a prompt
ruling on this matter.

CONCLUSION

For all the foregoing reasons, Major Mailers Association respectfully requests a three
business day extension, from September 25 to September 30, 1996, for the filing of its direct
testimony in this proceeding.

Respectfully submitted,

Major Mailers Association



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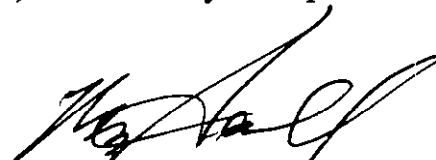
Special Counsel for MMA

Dated: September 24, 1996
Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.

Dated at Washington, D.C., this 24th day of September 1996.



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